

Docket No. 0505-1234P

Appl. No.: 10/646,690

Art Unit: 3612

Amendment dated January 19, 2005

Reply to Office Action of December 7, 2004

Page 7 of 11

REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 6, 7 and 9-15 are currently pending in the instant application. Claims 7, 9 and 11 have been amended. Claims 1-5 and 8 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 6, 13 and 15 are independent. Reconsideration of the present application is earnestly solicited.

Reasons for Entry of Amendments

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. § 102(b) and § 103(a) have been obviated and/or rendered moot by the cancellation of these claims. Accordingly, the finality of the Final Office Action mailed on December 7, 2004 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 CFR 1.116,

Docket No. 0505-1234P

Appl. No.: 10/646,690

Art Unit: 3612

Amendment dated January 19, 2005

Reply to Office Action of December 7, 2004

Page 8 of 11

Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal (claims are cancelled).

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, claims 6 and 13-15 have been allowed by the Examiner. Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, Applicants have amended claims 7, 9 and 11 to depend from allowed claim 6. Applicants submit that these dependent claims are fully supported by the original written description, including, but not limited to, pages 8-10 of the specification; FIGs. 9-13; and original claims 1 and 8. As described in greater detail hereinafter, Applicants submit that all of the claims should be allowed and the present application should be permitted to Issue.

Drawings

Applicants appreciate the Examiner's indication of acceptance of the formal drawings filed on August 25, 2003. Accordingly, Applicants are not required to take any further action with respect to the drawings.

Docket No. 0505-1234P

Appl. No.: 10/646,690

Art Unit: 3612

Amendment dated January 19, 2005

Reply to Office Action of December 7, 2004

Page 9 of 11

Claim Rejection Under 35 U.S.C. § 102

Claims 1, 4, 7, 8 and 11 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Maruoka (U.S. Patent No. 4,514,006). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicants have cancelled claims 1-5 and 8. Accordingly, this rejection has been rendered moot. With respect to claims 7 and 11, these claims have been amended to depend from allowed claim 6.

Claim Rejection Under 35 U.S.C. § 103

Claims 2, 3, 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruoka in view of Armstrong. Claims 5 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruoka in

Docket No. 0505-1234P

Appl. No.: 10/646,690

Art Unit: 3612

Amendment dated January 19, 2005

Reply to Office Action of December 7, 2004

Page 10 of 11

view of Armstrong, and further in view of Vezza (Italian Patent Document No. 528604). These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants submit that these rejections have been obviated and/or rendered moot. With respect to claims 7, 9, 10 and 11, Applicants submit that these claims are allowable due to the additional limitations contained therein and/or for their dependency upon allowable claim 6.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

Docket No. 0505-1234P

Appl. No.: 10/646,690

Art Unit: 3612

Amendment dated January 19, 2005

Reply to Office Action of December 7, 2004

Page 11 of 11

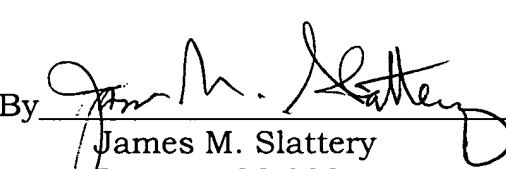
In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James M. Slattery

Reg. No. 28,380

P. O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000


JMS/MTS/apw